

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH  
BENEFITS FUND; PIRELLI ARMSTRONG  
RETIREE MEDICAL BENEFITS TRUST;  
TEAMSTERS HEALTH & WELFARE FUND OF  
PHILADELPHIA AND VICINITY;  
PHILADELPHIA FEDERATION OF TEACHERS  
HEALTH AND WELFARE FUND; DISTRICT  
COUNCIL 37, AFSCME - HEALTH &  
SECURITY PLAN; JUNE SWAN; MAUREEN  
COWIE and BERNARD GORTER,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri corporation,  
and McKESSON CORPORATION, a Delaware  
corporation,

Defendants.

Civil Action: 1:05-CV-11148-PBS

Judge Patti B. Saris

**DEFENDANT MCKESSON CORPORATION'S UNOPPOSED MOTION FOR A  
THREE-WEEK EXTENSION TO FILE ITS SURREPLY IN RESPONSE TO  
PLAINTIFFS' CLASS REPLY**

Defendant McKesson Corporation ("McKesson") files this unopposed motion for a three-week extension of time to file its surreply brief in response to plaintiffs' reply in support of their motion for class certification. In support of this motion, McKesson states as follows:

1. On February 12, 2007, the Court granted plaintiffs' request for a three-week extension of time to file their class reply, allowing plaintiffs a total of seven weeks to prepare its reply papers. At that time, McKesson did not request an extension of time to file its class

surreply because it could not determine whether such an extension would be necessary before reviewing plaintiffs' class reply submission.

2. On March 19, 2007, plaintiffs filed their class reply papers, which included a 25-page brief (with an additional 11 pages of appendices), six new fact declarations, and numerous new citations to documents. In addition, plaintiffs submitted a 106-page rebuttal report from their expert (including attachments) and a newly created regression analysis.

3. Under the current schedule, McKesson's surreply is due on April 16, 2007. Having now reviewed plaintiffs' voluminous reply filings, McKesson seeks an additional three weeks to adequately prepare and file its surreply, commensurate with the three week extension previously granted to plaintiffs for their reply. The extension will also enable McKesson's expert, Dr. Robert Willig, a Professor at Princeton University with teaching commitments this semester, sufficient time to analyze the rebuttal report submitted by plaintiffs' expert.

4. Plaintiffs' counsel has indicated that plaintiffs do not oppose McKesson's request for this three-week extension.

Thus, McKesson respectfully requests that the Court grant this unopposed motion and issue an order extending McKesson's deadline to file its class surreply to May 7, 2007. The hearing on plaintiffs' class motion is scheduled for May 22, 2007, approximately two weeks after the proposed filing date for the surreply.

Respectfully submitted,

McKesson Corporation  
By its attorneys:

/s/ Lori A. Schechter  
Melvin R. Goldman (*pro hac vice*)  
Lori A. Schechter (*pro hac vice*)  
Paul Flum (*pro hac vice*)  
Tiffany Cheung (*pro hac vice*)  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105-2482  
Telephone: (415)268-7000  
Facsimile: (415) 268-7522

John Kiernan  
Nicole Johnson  
Bonner Kiernan Trebach & Crociata  
One Liberty Square  
Boston, MA 02109  
Telephone: (617) 426-3900  
Facsimile: (617) 426-0380

Dated: April 2, 2007

#### **CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

I, Lori Schechter, counsel of record for defendant McKesson Corporation, hereby certify that I conferred with counsel for plaintiffs regarding this motion and that plaintiffs do not oppose this motion.

/s/ Lori A. Schechter  
Lori A. Schechter

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on April 2, 2007.

/s/ Lori A. Schechter  
Lori A. Schechter

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH  
BENEFITS FUND; PIRELLI ARMSTRONG  
RETIREE MEDICAL BENEFITS TRUST;  
TEAMSTERS HEALTH & WELFARE FUND OF  
PHILADELPHIA AND VICINITY;  
PHILADELPHIA FEDERATION OF TEACHERS  
HEALTH AND WELFARE FUND; DISTRICT  
COUNCIL 37, AFSCME - HEALTH &  
SECURITY PLAN; JUNE SWAN; MAUREEN  
COWIE and BERNARD GORTER,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri corporation,  
and McKESSON CORPORATION, a Delaware  
corporation,

Defendants.

Civil Action: 1:05-CV-11148-PBS

Judge Patti B. Saris

**[PROPOSED] ORDER GRANTING DEFENDANT MCKESSON CORPORATION'S  
UNOPPOSED MOTION FOR A THREE-WEEK EXTENSION TO FILE ITS  
SURREPLY IN RESPONSE TO PLAINTIFFS' CLASS REPLY**

THIS MATTER is before the Court on the unopposed motion of Defendant McKesson Corporation for a three-week extension to file its surreply in response to plaintiffs' class reply. The Court, having considered all submissions regarding this motion, and being fully advised in the premises, hereby

GRANTS the motion of Defendant McKesson Corporation for a three-week extension within which to file its class surreply. McKesson's surreply in response to plaintiffs' reply in support of their motion for class certification shall be filed by May 7, 2007.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Patti B. Saris  
United States District Court Judge

### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on April 2, 2007.

/s/ Lori A. Schechter  
Lori A. Schechter